

The 27th September, 1971

No. 10329-4Lab-71/31928.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Goodyear India Ltd., Ballabgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA FARIDABAD

Application No. 9 of 1971. under section 33-A of the Industrial Disputes Act, 1947

between

SHRI JANAK SINGH WORKMAN AND THE MANAGEMENT OF M/S GOODYEAR
INDIA LTD., BALLABGARH

Present —

Shri Khushinder Singh, authorised representative with Shri Janak Singh concerned workman.

Shri K. P. Aggarwal, for the management.

AWARD

This is an application under section 33A of the Industrial Disputes Act, 1947. The applicant Shri Janak Singh was a permanent employee of M/s Goodyear India Ltd., Ballabgarh. The management has brought him under retrenchment. Feeling aggrieved, he has filed this application asking for his reinstatement contending that the action of the management is unjustified, illegal, *mala fide* and motivated by considerations of victimisation on account of his Trade Union Activities.

The management has controverted the above allegations pleading *inter alia* that there has been no violation of the provisions of section 33 of the Industrial Disputes Act, 1947, as a case of retrenchment does not fall within the purview of section 33 of the Act.

The applicant has conceded the above objection raised on behalf of the management. His statement has been recorded.

In view of the above the present application stands to be rejected as being not maintainable and I order accordingly. In the circumstances, there shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Dated 17th September, 1971

No. 1035, dated the 17th September, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 10327-4Lab-71/31930.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Goodyear India Ltd., Ballabgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Application No. 7 of 1971. under-section 33-A of the Industrial Disputes Act, 1947
between

SHRI SHIV NARAIN WORKMEN AND THE MANAGEMENT OF M/S GOODYEAR
INDIA LTD. BALLABGARH

Present—

Shri K'ushinder Singh authorised representative with Shri Shiv Narain concerned workmen.

Shri K. P. Aggarwal, for the management.

AWARD

This is an application under-section 33-A of the Industrial Disputes Act, 1947. The applicant Shri Shiv Narain was a permanent employee of M/s Goodyear India Ltd., Ballabgarh. The management has brought him under retrenchment. Feeling aggrieved, he has filed this application asking for his reinstatement contending that the action of the management is unjustified, illegal, *mala fide* and motivated by considerations of victimisation on his Trade Union Activities.

The management has controverted the above allegations, pleading *inter alia* that there has been no violation of the provisions of section 33 of the Industrial Disputes Act, 1947, as a case of retrenchment does not fall within the purview of section 33 of the Act.

The applicant has conceded the above objection raised on behalf of the management his statement has been recorded.

In view of the above, the present application stands to be rejected as being not maintainable and I order accordingly. In the circumstances, there shall be no order as to costs.

Dated 17th September, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1033, dated the 17th September, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 17th September, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 10363-4Lab-71.31956.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana, is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Orient General Industries Ltd., Faridabad.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 55 of 1971

between

SHRI SUDESH CHANDER WORKMAN C/O BHIM SINGH YADAV, I-A/90. N. I. T.
FARIDABAD AND THE MANAGEMENT OF M/S ORIENT GENERAL
INDUSTRIES LTD., FARIDABAD

Present :—

Shri Bhim Singh Yadav, for the workman.
Shri K. P. Aggarwal, for management.

AWARD

Shri Sudesh Chander, was in the service of M/s. Orient General Industries Ltd., Faridabad. His services were terminated and this gave rise to an Industrial dispute. Accordingly, the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, —vide Govt Gazette Notification No. ID/FD/283-B/17815, dated 9th June, 1971 :—

“Whether the termination of services of Shri Sudesh Chander, was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the management filed their written statement. It is pleaded that the services of the workman were terminated after making a full fledged enquiry against him and he has also collected his dues in full and final settlement. Accordingly the following issues were framed ?

1. Whether the termination of services of Shri Sudesh Chander, was justified and in order? If not, to what relief is he entitled?
2. Whether the workman has collected his dues in full and final settlement on 12th February, 1971 and as such he is not entitled to any other relief ?

The case was adjourned to 8th September, 1971 for evidence. On the date fixed Shri Daulat Ram appeared and stated that the workman had taken the file and had gone to Shri A. R. Handa to seek his help and requested for a date. Accordingly the case was adjourned to 10th September, 1971 as desired. On the date fixed Shri Bhim Singh appeared on behalf of the workman and stated that the workman has not given him any instructions although he has sent for him. He further stated that the workman had received his dues and he does not want to prosecute the case further. The management have produced Shri H. P. Chaudhary, Factory Manager who has proved the record of the enquiry which is Ex. M. 1 and has stated that the workman has also received his dues in full and final settlement. He has also proved the vouchers bearing the signatures of the workman. In view of the evidence produced by the management. I hold that the termination of the services of the workman was justified and he has also received his dues in full and final settlement and he is not entitled to any further relief. I give my award accordingly. No order as to costs.

P. N. THUKRAL,

Dated 14th September, 1971.

Presiding Officer.

Labour Court, Haryana. Rohtak,
Camp. Faridabad.

No. 1772, dated Rohtak, the 14th September, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments. Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,

Labour Court, Haryana, Rohtak,
Camp, Faridabad.

No. 10328-4Lab-71/31958.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Good Year India Ltd., Ballabgarh.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Application No. 8 of 1971. under section
33-A of the Industrial Disputes Act, 1947.

between

SHRI JAI CHAND, WORKMAN AND THE MANAGEMENT OF M'S GOODYEAR INDIA
LTD., BALLABGARH

Present—

The Khushinder Singh authorised representative with Shri Jai Chand concerned workman.
Shri K. P. Aggarwal, for the management.

AWARD

This is an application under section 33A of the Industrial Disputes Act, 1947. The applicant Shri Jai Chand was a permanent employee of M/s Goodyear India Ltd., Ballabgarh. The management has brought him under retrenchment. Feeling aggrieved, he has filed this application asking for his reinstatement contending that the action of the management is unjustified, illegal, *mala fide* and motivated by considerations of victimisation on account of his Trade Union Activities.

The management has controverted the above allegation pleading *inter alia* that there has been no violation of the provisions of section 33 of the Industrial Disputes Act, 1947, as a case of retrenchment does not fall within the purview of section 33 of the Act.

The applicant has conceded the above objection raised on behalf of the management. His statement has been recorded.

In view of the above the present application stands to be rejected as being not maintainable and I order accordingly. In the circumstances, there shall be no order as to costs.

O. P. SHARMA,

Dated 17th September, 1971.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1034. dated the 17th September, 1971

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated the 17th September, 1971.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 10330 4-Lab-71/31969A. -In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Goodyear India Ltd., Ballabgarh.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Application No. 10 of 1971. under section 33-A of the Industrial Disputes Act, 1947.

between

SHRI MALKHAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S GOODYEAR
INDIA LTD, BALLABGARH.

present—

Shri Khushinder Singh authorised representative with Shri Malkhan Singh concerned workman.

Shri K. P. Aggarwal. for the management.

AWARD

This is an application under section 33-A of the Industrial Disputes Act, 1947. The applicant Shri Malkhan Singh was a permanent employee of M/s Goodyear India Ltd., Ballabgarh. The management has brought him under retrenchment. Feeling aggrieved, he has filed this application asking for his reinstatement contending that the action of the management is unjustified, illegal, *mala fide* and motivated by considerations of victimisation on account of his Trade Union Activities.

The management has controverted the above allegations pleading *inter alia* that there has been no violation of the provisions of section 33 of the Industrial Disputes Act, 1947, as a case of retrenchment does not fall within the purview of section 33 of the Act.

The applicant has conceded the above objection raised on behalf of the management. His statement has been recorded.

In view of the above the present application stands to be rejected as being not maintainable and I order accordingly in the circumstances, there shall be no order as to costs.

Dated 17th September, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1036, dated 17th September, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated 17th September, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 10366-4Lab-71/31974.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following order of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Eitcher Tractors India Ltd., Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK.

Reference No. 138 of 1970

between

THE WORKMEN C/O THE GENERAL SECRETARY, EITCHER TRACTORS EMPLOYEES UNION, FARIDABAD AND THE MANAGEMENT OF M'S EITCHER TRACTORS INDIA LTD., FARIDABAD

Present :—

Shri Ashok Kumar, for the workmen.

Shri R. C. Sharma, for the management.

AWARD

Sarvshri Abdul Hamid, Parkash Lal and Sham Singh were in the service of M.s. Eitcher Tractors India Ltd., Faridabad. They were retrenched from service. They are aggrieved because they have not been employed. This gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication, —vide Government Gazette Notification No. ID/FD 3F/1567, dated 17th January, 1968.

Whether the action of management in not re-employing Sarvshri Abdul Hamid, Parkash Lal and Sham Singh was justified and in order? If not, to what relief are they entitled and from which date?

On receipt of the reference usual notices were issued to the parties. The case was being tried in the Labour Court ceased to function by reason of the judgement of the Punjab and Haryana High Court given in the case of M's Gedore Tools (India) Ltd., Faridabad in Civil Writ No. 1129 of 1969 and the case was referred to this Court for adjudication, —vide Gazette Notification No. 6091-E-Lab-22387, dated 31st July, 1970. The Court was being presided over by Sh. O. P. Sharma and on receipt of the reference fresh statement of claim and a written statement were taken and the following issues were framed :—

1. Whether the reference is bad in law for the reasons given in the written statement?
2. Whether the action of management in not re-employing Sarvshri Abdul Hamid, Parkash Lal and Sham Singh was justified and in order. If not, to what relief are they entitled and from which date?

Issue No. 1.—The representative of the management has made a statement that he does not press this issue. Accordingly I find this issue in favour of the workmen.

Issue No. 2.—The position taken by the management is that the painting work which was being done by the applicants has been given on contract and regular workmen have not been employed.

The parties have not produced any fresh evidence and made a statement that the statements of the persons previously recorded in Court may be read in evidence. The fact that the painting work has been given on contract and no regular workers have been employed is proved by the evidence of Sh. Adrash Mohan, Contractor M. W. 2 and Sh. R. C. Vermani, Works Manager. It is submitted on behalf of the workmen that the management have adopted a unfair labour practice by giving the painting work on contract which they were not equally authorised to do so. I am afraid, it is no possible to adjudicate upon this point because the present term of reference is only whether the action of the management in re-employing the workmen is justified. The question as to whether the management were not justified in giving the painting work on contract is an entirely separate matter. Since the management have not started the painting department by employing regular workmen. I hold that the action of the management in not re-employing the workmen cannot be said to be unjustified. I find this issue in favour of the management.

In view of my findings above, I give my award accordingly. No order as to costs.

Dated 13th September, 1971.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana.
Rohtak, Camp Faridabad.

No. 1769, dated 13th September, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak,
Camp Faridabad

B. L. AHUJA,
Commissioner for Labour and Employment
and Secy.